

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH LYONS,

Plaintiff,

v.

CASE NO. 08-13631

DISTRICT JUDGE GERALD E. ROSEN
MAGISTRATE JUDGE DONALD A. SCHEER

OFFICER STEWART, and
OFFICER HOLDEN

Defendants.

ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT

Plaintiff, by and through retained counsel, has filed a Motion for Leave to file an Amended Complaint on March 9, 2009. (Docket # 12). Plaintiff seeks to add two party defendants, whose identities were recently discovered. Plaintiff stated that he received a letter, dated February 27, 2009, from the Attorney General's office that provided the identities of two additional corrections officers, who allegedly were responsible for his injuries sustained while incarcerated in the custody of the Michigan Department of Corrections. The proposed Amended Complaint provides additional facts that were not known at the time the Original Complaint was filed in August 2008. No answer to the Original Complaint has been filed. Federal Rules of Civil Procedure 15(a) mandates that leave to file an Amended Complaint, even after a responsive pleading, should be freely given, unless the amendment is frivolous. The Amended Complaint does not add frivolous allegations, Now Therefore;

IT IS HEREBY ORDERED that the plaintiff's motion for Leave to file an Amended Complaint is hereby GRANTED. Since plaintiff has not been granted in forma pauperis status, he is responsible for serving defendants with copies of the Amended Complaint.

s/Donald A. Scheer
DONALD A. SCHEER
MAGISTRATE JUDGE

DATED: March 18, 2009

CERTIFICATE OF SERVICE

I hereby certify on March 18, 2009 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on March 18, 2009: **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217